



OHMVR COMMISSION MEETING Kings Beach, CA

September 26, 2014

STAFF REPORT: Legislative Update

STAFF: Tina L. Williams, Superintendent of Public Relations and Communications

SUBJECT: Legislation

Summary

This report provides summary excerpts and status of bills that may affect the Off-Highway Motor Vehicle Recreation (OHMVR) Program. Information contained in this report is accurate as of September 16, 2014. Changes in status of some bills may occur between the date this report was prepared and the Commission meeting date.

Discussion

CALIFORNIA LEGISLATION UPDATE

Senate Bill 853 (Committee on Budget and Fiscal Review): Fuel Tax Study

Summary: This bill requires the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, to conduct a study, during the 2014/15 Fiscal Year, to determine the appropriate adjustment to the percentage of funds transferred from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund. Under existing statute, this assessment is required every five years. This study is due to the Legislature by January 1, 2016.

Status: 6/24/2014 – Signed by the Governor. Chapter 27, Statutes of 2014

Senate Bill 1289 (Fuller) Off-Highway Motor Vehicle Recreation Land Transfer

Summary: Notwithstanding any other law, the State Lands Commission may transfer to the Division of Off-Highway Motor Vehicle Recreation certain parcels of land owned by the state that are adjacent to the Johnson Valley Off-Highway Vehicle Recreation Area off-highway motor vehicle recreation.

Status: Dead – Failed policy committee deadline.

Senate Bill 1450 (Fuller): Off-Highway Motor Vehicle Recreation

Summary: The Off-Highway Motor Vehicle Recreation Act of 2003 provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails, and makes various legislative findings and declarations regarding the benefits of off-highway motor vehicle recreation, and the need to effectively protect and efficiently manage off-highway motor vehicle recreation areas. This bill would make no substantive changes in those legislative findings and declarations.

Status: Dead – Failed policy committee deadline.

Assembly Bill 1835 (Olsen): Helmet Exemption Recreational Off-Highway Vehicles

Summary: Clarifies that a driver and/or passenger(s) operating a recreational off-highway vehicle (ROHV) on public lands must wear a safety helmet.

Status: 09/16/2014 – Signed by the Governor. Chapter 355, Statutes of 2014

FEDERAL LEGISLATION UPDATE

U S Congress House of Representatives 1776 (Rep Farr) Clear Creek National Recreation Area and Conservation Act

Summary: Clear Creek National Recreation Area and Conservation Act - Establishes the Clear Creek National Recreation Area in California to promote environmentally responsible high-quality motorized and non-motorized trail based recreation, including off-highway vehicle use, scenic touring, and access for hunting and gem collecting, while protecting landscape resources.

Status: Active- Latest Major Action: On 5/20/14 Subcommittee Hearings Held. Bill was introduced on 4/26/2013.

U S Congress House of Representatives 4886 (Lummis) National Forest System Trails Stewardship Act of 2014 Act

Summary: This bill would direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers, partners and outdoor recreation stakeholders in National Forest System trail maintenance, and for other purposes.

The bill would increase the opportunities for off-highway motor vehicle recreation related volunteers and projects. The goal would be to improve the “National Forest System Trails Volunteer and Partnership” strategies. If passed the Secretary of Agriculture would select priorities for trail maintenance. Motorized recreation is one of the types of recreational trail maintenance listed. There is serious backlog of federal trail maintenance resulting in trail closures listed as an impediment for increasing recreation trails and will be addressed in the Priority Trail Maintenance Program if this legislation is passed.

Status: Active- Latest Major Action: 7/7/2014 Referred to House subcommittee. Status: Referred to the Subcommittee on Conservation, Energy, and Forestry.

Commission Action

For information only

Attachments

SB 853; SB 1289; SB 1450; AB 1835; HR 1776; and HR 4886

Senate Bill No. 853

CHAPTER 27

An act to amend Section 21602 of the Public Utilities Code, to amend Section 8352.6 of the Revenue and Taxation Code, to amend Sections 188.8 and 2384 of the Streets and Highways Code, and to amend Sections 5205.5 and 12801 of the Vehicle Code, relating to transportation, and making an appropriation therefor, to take effect immediately, bill related to the budget.

[Approved by Governor June 20, 2014. Filed with
Secretary of State June 20, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

SB 853, Committee on Budget and Fiscal Review. Transportation.

(1) Existing law establishes the Aeronautics Account in the State Transportation Fund, and continuously appropriates the moneys in the account for expenditure for airport purposes by the Division of Aeronautics within the Department of Transportation and the California Transportation Commission. Existing law establishes the California Aid to Airports Program under which the department provides grants to political subdivisions for the planning, acquisition, construction, improvement, maintenance, or operation of a publicly owned airport, and to cities or counties on behalf of any privately owned, public use airport, as specified.

Existing law establishes a subaccount, referred to by the Department of Finance as the Local Airport Loan Account, in the Aeronautics Account in the State Transportation Fund for the management of funds for loans to local entities for airport purposes and requires that all funds for airport loans in the Special Deposit Fund be transferred to the subaccount. Existing law requires the department, with the approval of the Department of Finance, to deposit in the subaccount all money received by the department from repayments of, and interest on, existing and future airport loans, and authorizes, upon appropriation, the transfer of additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate.

This bill would authorize, upon a determination by the department that the balance in the subaccount exceeds projected needs, the transfer of funds from the subaccount to the Aeronautics Account to fund the California Aid to Airports Program with the approval of the California Transportation Commission and the Department of Finance. The bill would require that the transfers not reduce the amount of funds in the subaccount below \$5,000,000.

By authorizing the transfer of moneys into a continuously appropriated fund, the bill would make an appropriation.

(2) Existing law requires certain moneys attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities to be transferred monthly from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund according to a specified calculation that the Department of Transportation, in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles, is authorized to adjust every 5 years, starting in the 2013–14 fiscal year, taking into account specified factors.

This bill would require, in the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, to undertake a study to determine the appropriate adjustment to the amount of money transferred from the fuel account to the fund and to update the estimate of the amount of money attributable to taxes imposed upon distribution of motor vehicle fuel related to specified off-highway motor vehicles and off-highway vehicle activities. The bill would require the department to provide the study to the Legislature no later than January 1, 2016.

(3) Existing law establishes the state transportation improvement program process, pursuant to which the California Transportation Commission generally programs and allocates available funds for transportation capital improvement projects over a multiyear period. Existing law provides funding for interregional and regional transportation capital improvement projects through the state transportation improvement program process, with 25% of funds available for interregional projects selected by the Department of Transportation and 75% for regional projects selected by transportation planning agencies. Existing law requires funds available for regional projects to be programmed by the commission pursuant to the county shares formula, under which a certain amount of funding is available for programming in each county. Existing law specifies the project costs to be charged against county shares in that regard. If the final estimate is greater than 120% or less than 80% of the amount originally programmed for right-of-way costs, existing law requires the amount to be adjusted at the time of right-of-way certification. Existing law prohibits project costs shown in the state transportation improvement program from being changed to reflect certain costs, including actual right-of-way purchase costs.

This bill would instead prohibit project costs shown in the state transportation improvement program from being changed to reflect differences that are within 20% of the amount reported at the time of allocation for actual right-of-way costs at the time of acceptance of a project construction contract.

(4) Existing law creates the Active Transportation Program in the Department of Transportation, which combines various bicycle, pedestrian, and other nonmotorized transportation programs into a single program. Existing law provides for funds to be allocated to projects in the program by the California Transportation Commission. Existing law requires the commission to adopt guidelines for an initial program of projects by March 26, 2014, with future programs of projects to be adopted by April 1 of each

odd-numbered year, or, alternatively, on an annual basis. Existing law provides for the initial program of projects to cover a period of 2 years, with each subsequent program of projects to cover a period of 4 years.

This bill would require the commission to adopt the 2015 program of projects by December 31, 2015.

(5) Existing federal law, until September 30, 2017, authorizes a state to allow specified labeled vehicles to use lanes designated for high-occupancy vehicles (HOVs). Existing law authorizes the Department of Transportation to designate certain lanes for the exclusive use of HOVs. Under existing law, until January 1, 2019, or until federal authorization expires, or until the Secretary of State receives a specified notice, those lanes may be used by certain vehicles not carrying the requisite number of passengers otherwise required for the use of an HOV lane, if the vehicle displays a valid identifier issued by the Department of Motor Vehicles (DMV). Existing law authorizes the DMV to issue no more than 40,000 of those identifiers.

This bill would increase the number of those identifiers that the DMV is authorized to issue to 55,000.

(6) Existing law generally requires an application for a driver's license to contain the applicant's social security account number. Existing law also authorizes a driver's license to be issued to an applicant who is ineligible for a social security account number but who provides satisfactory proof that his or her presence in the United States is authorized under federal law. Existing law, effective January 1, 2015, or on the date that the Director of Motor Vehicles executes a specified declaration, whichever is sooner, authorizes the issuance of a driver's license to an applicant who is unable to provide satisfactory proof that his or her presence in the United States is authorized under federal law if the applicant submits an affidavit attesting that he or she is both ineligible for a social security account number and unable to submit proof of authorized presence in the United States.

This bill would delete the requirement for an affidavit for an applicant who is unable to submit proof of authorized presence in the United States, and would instead authorize the issuance of a driver's license to such an applicant who indicates in his or her license application, as prescribed by the department, that the applicant has never been issued a social security account number and is not presently eligible for a social security account number.

(7) Existing law, the Outdoor Advertising Act, provides for the regulation by the Department of Transportation of advertising displays, as defined, within view of public highways.

This bill would require the Department of Transportation to report, by January 10, 2015, to the budget and appropriate policy committees of both houses of the Legislature on the subject of advertising on electronic changeable message signs on the state highway system, and on the feasibility of a pilot project in that regard, including estimates of revenue.

(8) Existing law gives the County of Fresno until June 30, 2015, to meet the maintenance of effort requirement associated with its receipt of streets and roads funds from gasoline sales tax revenues in the Transportation

Investment Fund in the 2009–10 fiscal year. Under the maintenance of effort requirement applicable to this now-repealed source of revenues, a city or county was required to maintain annual streets and roads expenditures from its general fund equal to the annual average of its expenditures from that source during the 1996–97, 1997–98, and 1998–99 fiscal years. If a city or county failed to comply with the maintenance of effort requirement in a particular fiscal year, existing law provided that it could alternatively comply by expending in that year and the following fiscal year a combined total amount that is not less than the amount otherwise required to be expended in the 2 fiscal years.

This bill would give the County of Fresno 5 additional years, until June 30, 2020, to meet this maintenance of effort requirement for the 2009–10 fiscal year, as long as it continues to provide medical services to indigent individuals and undocumented individuals consistent with the eligibility and benefit levels in effect in the 2013–14 fiscal year.

This bill would make legislative findings and declarations as to the necessity of a special statute for the County of Fresno.

(9) Existing law establishes in the State Transportation Fund the Motor Vehicle Account, which generally consists of regulatory fees and penalty revenues collected under the Vehicle Code, and requires that moneys in the account that are appropriated for the support of or expenditure by the Department of Motor Vehicles or the Department of the California Highway Patrol be used for carrying out provisions of the Vehicle Code and enforcing any other laws relating to vehicles or the use of highways.

This bill would appropriate the sum of \$4,934,000 from the Motor Vehicle Account to the Department of the California Highway Patrol to conduct a pilot project to replace 12 dispatch radio consoles at 2 California Highway Patrol communication centers.

(10) This bill would declare that it is to take effect immediately as a bill providing for appropriations related to the Budget Bill.

Appropriation: yes.

The people of the State of California do enact as follows:

SECTION 1. Section 21602 of the Public Utilities Code is amended to read:

21602. (a) Subject to the terms and within the limits of special appropriations made by the Legislature, the department may render financial assistance by grant or loan, or both, to political subdivisions jointly, in the planning, acquisition, construction, improvement, maintenance, or operation of an airport owned or controlled, or to be owned or controlled, by a political subdivision or subdivisions, if the financial assistance has been shown by public hearing to be appropriate to the proper development or maintenance of a statewide system of airports. Financial assistance may be furnished in connection with federal or other financial aid for the same purpose.

(b) Notwithstanding subdivision (a) of Section 21681, a city or county designated by the Airport Land Use Commission is eligible to compete for funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned, public use airport that is included in an airport land use compatibility plan. However, the city or county shall be eligible to compete for the funds only when zoning on the parcel is tantamount to a taking of all reasonable uses that might otherwise be permitted on the parcel. The eligible airport and aviation purposes are limited to those specified in paragraphs (4), (5), (6), (9), and (14) of subdivision (f) of Section 21681, and, further, any capital improvements or acquisitions shall become the property of the designated city or county. Matching funds pursuant to subdivision (a) of Section 21684 may include the in-kind contribution of real property, with the approval of the department.

(c) Any grant of funds held in the Aeronautics Account in the State Transportation Fund on behalf of any privately owned airports shall contain a covenant that the airport remain open for public use for 20 years. Any grant made to a city or county on behalf of a privately owned airport shall contain a payback provision based upon existing market value at the time the private airport ceases to be open for public use.

(d) Upon request, California Aid to Airports Program (CAAP) projects included within the adopted Aeronautics Program, may be funded in advance of the year programmed, with the concurrence of the department, in order to better utilize funds in the account.

(e) There is, in the Aeronautics Account in the State Transportation Fund, a subaccount, the Local Airport Loan Account, for the management of funds for loans to local entities pursuant to this chapter. All funds for airport loans in the Special Deposit Fund are hereby transferred to the subaccount. With the approval of the Department of Finance, the department shall deposit in the subaccount all money received by the department from repayments of, and interest on, existing and future airport loans, including, but not limited to, the sums of five hundred forty thousand dollars (\$540,000) in repayments from the General Fund due in July 1987, and July 1988, and may, upon appropriation, transfer additional funds from the Aeronautics Account in the State Transportation Fund to the subaccount as the department deems appropriate. Interest on money in the subaccount shall be credited to the subaccount as it accrues.

(f) (1) Notwithstanding subdivision (a) of Section 13340 of the Government Code, the money in the subaccount created by subdivision (e) is hereby continuously appropriated to the department without regard to fiscal years for purposes of loans to political subdivisions for airport purposes.

(2) Upon a determination by the department that the balance in the subaccount exceeds projected needs, funds in the subaccount may be transferred by the department to the Aeronautics Account to fund the California Aid to Airports Program with the approval of the California Transportation Commission and the Department of Finance. The transfers

shall not reduce the amount of funds in the subaccount below five million dollars (\$5,000,000).

SEC. 2. Section 8352.6 of the Revenue and Taxation Code is amended to read:

8352.6. (a) (1) Subject to Section 8352.1, and except as otherwise provided in paragraphs (2) and (3), on the first day of every month, there shall be transferred from moneys deposited to the credit of the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund created by Section 38225 of the Vehicle Code an amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. Transfers made pursuant to this section shall be made prior to transfers pursuant to Section 8352.2.

(2) Commencing July 1, 2012, the revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 and otherwise to be deposited in the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) shall instead be transferred to the General Fund. The revenues attributable to the taxes imposed pursuant to subdivision (b) of Section 7360 and Section 7361.1 that were deposited in the Off-Highway Vehicle Trust Fund in the 2010–11 and 2011–12 fiscal years shall be transferred to the General Fund.

(3) The Controller shall withhold eight hundred thirty-three thousand dollars (\$833,000) from the monthly transfer to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1), and transfer that amount to the General Fund.

(b) The amount transferred to the Off-Highway Vehicle Trust Fund pursuant to paragraph (1) of subdivision (a), as a percentage of the Motor Vehicle Fuel Account, shall be equal to the percentage transferred in the 2006–07 fiscal year. Every five years, starting in the 2013–14 fiscal year, the percentage transferred may be adjusted by the Department of Transportation in cooperation with the Department of Parks and Recreation and the Department of Motor Vehicles. Adjustments shall be based on, but not limited to, the changes in the following factors since the 2006–07 fiscal year or the last adjustment, whichever is more recent:

(1) The number of vehicles registered as off-highway motor vehicles as required by Division 16.5 (commencing with Section 38000) of the Vehicle Code.

(2) The number of registered street-legal vehicles that are anticipated to be used off highway, including four-wheel drive vehicles, all-wheel drive vehicles, and dual-sport motorcycles.

(3) Attendance at the state vehicular recreation areas.

(4) Off-highway recreation use on federal lands as indicated by the United States Forest Service's National Visitor Use Monitoring and the United States Bureau of Land Management's Recreation Management Information System.

(c) It is the intent of the Legislature that transfers from the Motor Vehicle Fuel Account to the Off-Highway Vehicle Trust Fund should reflect the

full range of motorized vehicle use off highway for both motorized recreation and motorized off-road access to other recreation opportunities. Therefore, the Legislature finds that the fuel tax baseline established in subdivision (b), attributable to off-highway estimates of use as of the 2006–07 fiscal year, accounts for the three categories of vehicles that have been found over the years to be users of fuel for off-highway motorized recreation or motorized access to nonmotorized recreational pursuits. These three categories are registered off-highway motorized vehicles, registered street-legal motorized vehicles used off highway, and unregistered off-highway motorized vehicles.

(d) It is the intent of the Legislature that the off-highway motor vehicle recreational use to be determined by the Department of Transportation pursuant to paragraph (2) of subdivision (b) be that usage by vehicles subject to registration under Division 3 (commencing with Section 4000) of the Vehicle Code, for recreation or the pursuit of recreation on surfaces where the use of vehicles registered under Division 16.5 (commencing with Section 38000) of the Vehicle Code may occur.

(e) In the 2014–15 fiscal year, the Department of Transportation, in consultation with the Department of Parks and Recreation and the Department of Motor Vehicles, shall undertake a study to determine the appropriate adjustment to the amount transferred pursuant to subdivision (b) and to update the estimate of the amount attributable to taxes imposed upon distributions of motor vehicle fuel used in the operation of motor vehicles off highway and for which a refund has not been claimed. The department shall provide a copy of this study to the Legislature no later than January 1, 2016.

SEC. 3. Section 188.8 of the Streets and Highways Code is amended to read:

188.8. (a) From the funds programmed pursuant to Section 188 for regional improvement projects, the commission shall approve programs and program amendments, so that funding is distributed to each county of County Group No. 1 and in each county of County Group No. 2 during the county share periods commencing July 1, 1997, and ending June 30, 2004, and each period of four years thereafter. The amount shall be computed as follows:

(1) The commission shall compute, for the county share periods all of the money to be expended for regional improvement projects in County Groups Nos. 1 and 2, respectively, as provided in Section 188.

(2) From the amount computed for County Group No. 1 in paragraph (1) for the county share periods the commission shall determine the amount of programming for each county in the group based on a formula that is based 75 percent on the population of the county to the total population of County Group No. 1 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 1.

(3) From the amount computed for County Group No. 2 in paragraph (1) for the county share periods the commission shall determine the amount of programming for each county in the group based on a formula that is based

75 percent on the population of the county to the total population of County Group No. 2 and 25 percent on state highway miles in the county to the total state highway miles in County Group No. 2.

(b) Notwithstanding subdivision (a), that portion of the county population and state highway mileage in El Dorado and Placer Counties that is included within the jurisdiction of the Tahoe Regional Planning Agency shall be counted separately toward the area under the jurisdiction of the Tahoe Regional Transportation Agency and may not be included in El Dorado and Placer Counties. The commission shall approve programs, program amendments, and fund reservations for the area under the jurisdiction of the Tahoe Regional Transportation Agency that shall be calculated using the formula described in paragraph (2) of subdivision (a).

(c) A transportation planning agency designated pursuant to Section 29532 of the Government Code, or a county transportation commission created by Division 12 (commencing with Section 130000) of the Public Utilities Code, may adopt a resolution to pool its county share programming with any county or counties adopting similar resolutions to consolidate its county shares for two consecutive county share periods into a single share covering both periods. A multicounty transportation planning agency with a population of less than three million may also adopt a resolution to pool the share of any county or counties within its region. The resolution shall provide for pooling the county share programming in any of the pooling counties for the new single share period and shall be submitted to the commission not later than May 1 immediately preceding the commencement of the county share period.

(d) For the purposes of this section, funds programmed shall include the following costs pursuant to subdivision (b) of Section 14529 of the Government Code:

(1) The amounts programmed or budgeted for both components of project development in the original programmed year.

(2) The amount programmed for right-of-way and right-of-way support costs in the year programmed in the most recent state transportation improvement program. If the final estimate is greater than 120 percent or less than 80 percent of the amount originally programmed, the amount shall be adjusted for final expenditure estimates at the time of right-of-way certification.

(3) The engineer's final estimate of project costs, including construction support, presented to the commission for approval pursuant to Section 14533 of the Government Code in the year programmed in the most recent state transportation improvement program. If the construction contract award amount is less than 80 percent of the engineer's final estimate, excluding construction support, the department shall notify the commission and the commission may adjust its project allocation accordingly.

(4) Project costs shown in the program, as amended, where project allocations have not yet been approved by the commission, escalated to the date of scheduled project delivery.

(e) Project costs shown in the program may not be changed to reflect any of the following:

(1) Differences that are within 20 percent of the amount programmed for actual project development cost.

(2) Differences that are within 20 percent of the amount reported at the time of allocation pursuant to paragraph (2) of subdivision (d) for actual right-of-way costs calculated at the time of acceptance of a project construction contract.

(3) Construction contract award amounts, except when those amounts are less than 80 percent of the engineer's final estimate, excluding construction support, and the commission has adjusted the project construction allocation.

(4) Changes in construction expenditures, except for supplemental project allocations made by the commission, including supplemental allocations made pursuant to subdivision (b) of Section 188.9.

(f) For the purposes of this section, the population in each county is that determined by the last preceding federal census, or a subsequent census validated by the Population Research Unit of the Department of Finance, at the beginning of each county share period.

(g) For the purposes of this section, "state highway miles" means the miles of state highways open to vehicular traffic at the beginning of each county share period.

(h) It is the intent of the Legislature that there is to be flexibility in programming under this section and Section 188 so that, while ensuring that each county will receive an equitable share of state transportation improvement program funding, the types of projects selected and the programs from which they are funded may vary from county to county.

(i) Commencing with the four-year period commencing on July 1, 2004, individual county share shortfalls and surpluses at the end of each four-year period, if any, shall be carried forward and credited or debited to the following four years.

(j) The commission, with the consent of the department, may consider programming projects in the state transportation improvement program in a county with a population of not more than 1,000,000 at a level higher or lower than the county share, when the regional agency either asks to reserve part or all of the county's share until a future programming year, to build up a larger share for a higher cost project, or asks to advance an amount of the share, in an amount not to exceed 200 percent of the county's current share, for a larger project, to be deducted from shares for future programming years. After consulting with the department, the commission may adjust the level of programming in the regional program in the affected region against the level of interregional programming in the improvement program to accomplish the reservation or advancement, for the current state transportation improvement program. The commission shall keep track of any resulting shortfalls or surpluses in county shares.

(k) Notwithstanding subdivision (a), in a region defined by Section 66502 of the Government Code, the transportation planning agency may adopt a

resolution to pool the county share of any county or counties within the region, if each county receives no less than 85 percent and not more than 115 percent of its county share for a single county share period and 100 percent of its county share over two consecutive county share periods. The resolution shall be submitted to the commission not later than May 1, immediately preceding the commencement of the county share period.

(l) Federal funds used for federal demonstration projects that use federal obligational authority otherwise available for other projects shall be subtracted from the county share of the county where the project is located.

SEC. 4. Section 2384 of the Streets and Highways Code is amended to read:

2384. The commission shall adopt a program of projects to receive allocations under this chapter. The guidelines for an initial two-year program of projects shall be adopted within six months of the enactment of the act enacting this section. The commission shall adopt the 2015 program of projects no later than December 31, 2015, and shall adopt each subsequent program not later than April 1 of each odd-numbered year, but may alternatively elect to adopt a program annually. Each subsequent program shall cover a period of four fiscal years, beginning July 1 of the year of adoption, and shall be a statement of intent by the commission for the allocation or expenditure of funds during those four fiscal years. The commission shall form a multidisciplinary advisory group to assist it in evaluating project applications.

SEC. 5. Section 5205.5 of the Vehicle Code is amended to read:

5205.5. (a) For purposes of implementing Section 21655.9, the department shall make available for issuance, for a fee determined by the department to be sufficient to reimburse the department for the actual costs incurred pursuant to this section, distinctive decals, labels, and other identifiers that clearly distinguish the following vehicles from other vehicles:

(1) A vehicle that meets California's super ultra-low emission vehicle (SULEV) standard for exhaust emissions and the federal inherently low-emission vehicle (ILEV) evaporative emission standard, as defined in Part 88 (commencing with Section 88.101-94) of Title 40 of the Code of Federal Regulations.

(2) A vehicle that was produced during the 2004 model-year or earlier and meets California ultra-low emission vehicle (ULEV) standard for exhaust emissions and the federal ILEV standard.

(3) A vehicle that meets California's enhanced advanced technology partial zero-emission vehicle (enhanced AT PZEV) standard or transitional zero-emission vehicle (TZEV) standard.

(b) The department shall include a summary of the provisions of this section on each motor vehicle registration renewal notice, or on a separate insert, if space is available and the summary can be included without incurring additional printing or postage costs.

(c) The Department of Transportation shall remove individual HOV lanes, or portions of those lanes, during periods of peak congestion from

the access provisions provided in subdivision (a), following a finding by the Department of Transportation as follows:

(1) The lane, or portion thereof, exceeds a level of service C, as discussed in subdivision (b) of Section 65089 of the Government Code.

(2) The operation or projected operation of the vehicles described in subdivision (a) in these lanes, or portions thereof, will significantly increase congestion.

(3) The finding shall also demonstrate the infeasibility of alleviating the congestion by other means, including, but not limited to, reducing the use of the lane by noneligible vehicles or further increasing vehicle occupancy.

(d) The State Air Resources Board shall publish and maintain a listing of all vehicles eligible for participation in the programs described in this section. The board shall provide that listing to the department.

(e) (1) For purposes of subdivision (a), the Department of the California Highway Patrol and the department, in consultation with the Department of Transportation, shall design and specify the placement of the decal, label, or other identifier on the vehicle. Each decal, label, or other identifier issued for a vehicle shall display a unique number, which number shall be printed on, or affixed to, the vehicle registration.

(2) Decals, labels, or other identifiers designed pursuant to this subdivision for a vehicle described in paragraph (3) of subdivision (a) shall be distinguishable from the decals, labels, or other identifiers that are designed for vehicles described in paragraphs (1) and (2) of subdivision (a).

(f) (1) Except as provided in paragraph (2), for purposes of paragraph (3) of subdivision (a), the department shall issue no more than 55,000 distinctive decals, labels, or other identifiers that clearly distinguish a vehicle specified in paragraph (3) of subdivision (a).

(2) The department may issue a decal, label, or other identifier for a vehicle that satisfies all of the following conditions:

(A) The vehicle is of a type identified in paragraph (3) of subdivision (a).

(B) The owner of the vehicle is the owner of a vehicle for which a decal, label, or other identifier described in paragraph (1) was previously issued and that vehicle for which the decal, label, or other identifier was previously issued is determined by the department, on the basis of satisfactory proof submitted by the owner to the department, to be a nonrepairable vehicle or a total loss salvage vehicle.

(C) The owner of the vehicle applied for a decal, label, or other identifier pursuant to this paragraph within six months of the date on which the vehicle for which a decal, label, or other identifier was previously issued is declared to be a nonrepairable vehicle or a total loss salvage vehicle.

(g) If the Metropolitan Transportation Commission, serving as the Bay Area Toll Authority, grants toll-free and reduced-rate passage on toll bridges under its jurisdiction to a vehicle pursuant to Section 30102.5 of the Streets and Highways Code, it shall also grant the same toll-free and reduced-rate passage to a vehicle displaying an identifier issued by the department pursuant to paragraph (1) or (2) of subdivision (a).

(h) (1) Notwithstanding Section 21655.9, and except as provided in paragraph (2), a vehicle described in subdivision (a) that displays a decal, label, or identifier issued pursuant to this section shall be exempt from toll charges imposed on single-occupant vehicles in high-occupancy toll lanes as described in Section 149.7 of the Streets and Highways Code unless prohibited by federal law.

(2) (A) Paragraph (1) does not apply to the imposition of a toll imposed for passage on a toll road or toll highway, that is not a high-occupancy toll lane as described in Section 149.7 of the Streets and Highways Code.

(B) On or before March 1, 2014, paragraph (1) does not apply to the imposition of a toll imposed for passage in lanes designated for tolls pursuant to the federally supported value pricing and transit development demonstration program operated pursuant to Section 149.9 of the Streets and Highways Code for State Highway Route 10 or 110.

(C) Paragraph (1) does not apply to the imposition of a toll charged for crossing a state-owned bridge.

(i) If the Director of Transportation determines that federal law does not authorize the state to allow vehicles that are identified by distinctive decals, labels, or other identifiers on vehicles described in subdivision (a) to use highway lanes or highway access ramps for high-occupancy vehicles regardless of vehicle occupancy, the Director of Transportation shall submit a notice of that determination to the Secretary of State.

(j) This section shall become inoperative on January 1, 2019, or the date the federal authorization pursuant to Section 166 of Title 23 of the United States Code expires, or the date the Secretary of State receives the notice described in subdivision (i), whichever occurs first, and, as of January 1, 2019, is repealed, unless a later enacted statute, that becomes operative on or before January 1, 2019, deletes or extends the dates on which it becomes inoperative and is repealed.

SEC. 6. Section 12801 of the Vehicle Code, as added by Section 10 of Chapter 524 of the Statutes of 2013, is amended to read:

12801. (a) Except as provided in subdivisions (b) and (c) and Section 12801.9, the department shall require an application for a driver's license to contain the applicant's social security account number and any other number or identifier determined to be appropriate by the department.

(b) An applicant who provides satisfactory proof that his or her presence in the United States is authorized under federal law, but who is not eligible for a social security account number, is eligible to receive an original driver's license if he or she meets all other qualifications for licensure.

(c) (1) An applicant applying for a driver's license under Section 12801.9, who has never been issued a social security account number and is not presently eligible for a social security account number, shall satisfy the requirements of this section if he or she indicates in the application described in Section 12800, in the manner prescribed by the department, that he or she has never been issued a social security account number and is not presently eligible for a social security account number.

(2) This subdivision shall not apply to applications for a commercial driver's license. The department shall require all applications for a commercial driver's license to include the applicant's social security account number.

(3) Nothing in this section shall be used to consider an individual's citizenship or immigration status as a basis for a criminal investigation, arrest, or detention.

(d) The department shall not complete an application for a driver's license unless the applicant is in compliance with the requirements of subdivision (a), (b) or (c).

(e) Notwithstanding any other law, the social security account number collected on a driver's license application shall not be displayed on the driver's license including, but not limited to, inclusion on a magnetic tape or strip used to store data on the license.

(f) This section shall become operative on January 1, 2015, or on the date that the director executes a declaration pursuant to Section 12801.11, whichever is sooner.

(g) This section shall become inoperative on the effective date of a final judicial determination made by any court of appellate jurisdiction that any provision of the act that added this section, or its application, either in whole or in part, is enjoined, found unconstitutional, or held invalid for any reason. The department shall post this information on its Internet Web site.

SEC. 7. On or before January 10, 2015, the Department of Transportation shall prepare a report on advertising on electronic changeable message signs on the state highway system, and on the feasibility of a pilot project in that regard, including estimates of revenue. The report shall be submitted to the budget and appropriate policy committees of both houses of the Legislature. Pursuant to Section 10231.5 of the Government Code, this section shall become inoperative four years after the effective date of this act.

SEC. 8. (a) Notwithstanding subdivision (f) of Section 7104.2 of the Revenue and Taxation Code or any other provision of law, the County of Fresno shall have until June 30, 2020, to meet the maintenance of effort requirement applicable to counties in order to receive a streets and roads allocation from the Transportation Investment Fund for the 2009–10 fiscal year, as long as the County of Fresno continues to provide medical services to indigent individuals and undocumented individuals consistent with the eligibility and benefit provisions in effect in the 2013–14 fiscal year.

(b) The Legislature finds and declares that a special law is necessary and that a general law cannot be made applicable within the meaning of Section 16 of Article IV of the California Constitution because of the unique transportation funding needs in the County of Fresno.

SEC. 9. The sum of four million nine hundred thirty-four thousand dollars (\$4,934,000) is hereby appropriated from the Motor Vehicle Account to the Department of the California Highway Patrol to conduct a pilot project to replace 12 dispatch radio consoles at two California Highway Patrol communication centers.

SEC. 10. This act is a bill providing for appropriations related to the Budget Bill within the meaning of subdivision (e) of Section 12 of Article IV of the California Constitution, has been identified as related to the budget in the Budget Bill, and shall take effect immediately.

Introduced by Senator Fuller

February 21, 2014

An act to add Section 5090.42 to the Public Resources Code, relating to off-highway motor vehicle recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1289, as introduced, Fuller. Off-highway motor vehicle recreation: land transfer.

The Off-Highway Motor Vehicle Recreation Act of 2003 provides for the acquisition, operation, and funding of state vehicular recreation areas and trails within the state park system, and establishes the Division of Off-Highway Motor Vehicle Recreation in the Department of Parks and Recreation. The act imposes certain duties and responsibilities on the division with respect to off-highway motor vehicle recreation. Existing law also vests with the State Lands Commission control over the disposition, management, and control of specified state lands.

This bill would authorize the State Lands Commission to transfer to the department certain parcels of land owned by the state that are adjacent to the Johnson Valley Off-Highway Vehicle Recreation Area, described as _____, for use for off-highway vehicle recreation.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5090.42 is added to the Public Resources
- 2 Code, to read:

1 5090.42. Notwithstanding any other law, the State Lands
2 Commission may transfer to the department certain parcels of land
3 owned by the state that are adjacent to the Johnson Valley
4 Off-Highway Vehicle Recreation Area, as _____,
5 for use for off-highway motor vehicle recreation.

O

Introduced by Senator Fuller

February 21, 2014

An act to amend Section 5090.02 of the Public Resources Code, relating to off-highway motor vehicle recreation.

LEGISLATIVE COUNSEL'S DIGEST

SB 1450, as introduced, Fuller. Off-highway motor vehicle recreation.

The Off-Highway Motor Vehicle Recreation Act of 2003 provides for the acquisition, operation, and funding of state off-highway vehicular recreation areas and trails, and makes various legislative findings and declarations regarding the benefits of off-highway motor vehicle recreation, and the need to effectively protect and efficiently manage off-highway motor vehicle recreation areas.

This bill would make nonsubstantive changes in those legislative findings and declarations.

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

- 1 SECTION 1. Section 5090.02 of the Public Resources Code
- 2 is amended to read:
- 3 5090.02. (a) The Legislature finds all of the following:
- 4 (1) Off-highway motor vehicles are enjoying an ever-increasing
- 5 popularity in California.
- 6 (2) Off-highway recreation includes both motorized recreation
- 7 and motorized off-highway access to nonmotorized recreation
- 8 activities.

1 (3) The indiscriminate and uncontrolled use of those vehicles
2 may have a deleterious impact on the environment, wildlife
3 habitats, native wildlife, and native flora.

4 (b) The Legislature hereby declares that effectively managed
5 areas and adequate facilities for the use of off-highway vehicles
6 and conservation and enforcement are—~~essential~~ *critical* for
7 ecologically balanced recreation.

8 (c) Accordingly, it is the intent of the Legislature that:

9 (1) Existing off-highway motor vehicle recreational areas,
10 facilities, and opportunities should be expanded and managed in
11 a manner consistent with this chapter, in particular to maintain
12 sustained long-term use.

13 (2) New off-highway motor vehicle recreational areas, facilities,
14 and opportunities should be provided and managed pursuant to
15 this chapter in a manner that will sustain long-term use.

16 (3) The department should support both motorized recreation
17 and motorized off-highway access to nonmotorized recreation.

18 (4) When areas or trails or portions ~~thereof~~ *of off-highway motor*
19 *vehicle areas* cannot be maintained to appropriate established
20 standards for sustained long-term use, they should be closed to
21 use and repaired, to prevent accelerated erosion. Those areas should
22 remain closed until they can be managed within the soil
23 conservation standard or should be closed and restored.

24 (5) Prompt and effective implementation of the Off-Highway
25 Motor Vehicle Recreation Program by the department and the
26 Division of Off-Highway Motor Vehicle Recreation should have
27 an equal priority among other programs in the department.

28 (6) Off-highway motor vehicle recreation should be managed
29 in accordance with this chapter through financial assistance to
30 local governments and joint undertakings with agencies of the
31 United States and with federally recognized Native American
32 tribes.

Assembly Bill No. 1835

CHAPTER 355

An act to amend Section 38601 of the Vehicle Code, relating to recreational off-highway vehicles.

[Approved by Governor September 16, 2014. Filed with
Secretary of State September 16, 2014.]

LEGISLATIVE COUNSEL'S DIGEST

AB 1835, Olsen. Recreational off-highway vehicles: helmets: exemption.

Existing law prohibits a person from operating, or allowing a passenger in, a recreational off-highway vehicle unless the person and the passenger are wearing safety helmets, as specified.

This bill would instead prohibit the above-described activities only on public lands.

The people of the State of California do enact as follows:

SECTION 1. Section 38601 of the Vehicle Code is amended to read:

38601. A person shall not operate, or allow a passenger in, a recreational off-highway vehicle on public lands unless the person and the passenger are wearing safety helmets meeting the requirements established for motorcycles and motorized bicycles pursuant to Section 27802.

113TH CONGRESS
1ST SESSION

H. R. 1776

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the national wild and scenic rivers system, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

APRIL 26, 2013

Mr. FARR (for himself, Mr. VALADAO, and Mr. DENHAM) introduced the following bill; which was referred to the Committee on Natural Resources

A BILL

To establish the Clear Creek National Recreation Area in San Benito and Fresno Counties, to designate the Joaquin Rocks Wilderness in such counties, to designate additional components of the national wild and scenic rivers system, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Clear Creek National
5 Recreation Area and Conservation Act”.

6 **SEC. 2. DEFINITIONS.**

7 In this Act:

1 (1) MANAGEMENT PLAN.—The term “manage-
2 ment plan” means the Plan for the Recreation Area
3 prepared under section 4(c).

4 (2) RECREATION AREA.—The term “Recreation
5 Area” means the Clear Creek National Recreation
6 Area.

7 (3) SECRETARY.—The term “Secretary” means
8 the Secretary of the Interior.

9 (4) STATE.—The term “State” means the State
10 of California.

11 **SEC. 3. ESTABLISHMENT OF CLEAR CREEK NATIONAL**
12 **RECREATION AREA.**

13 (a) IN GENERAL.—To promote environmentally re-
14 sponsible high-quality motorized and non-motorized trail
15 based recreation, including off-highway vehicle use, scenic
16 touring, access for hunting and gem collecting, while pro-
17 tecting ecological, geological, scenic, cultural, and historic
18 resources, fish and wildlife values, and other resources of
19 the landscape, there is established the Clear Creek Na-
20 tional Recreation Area in the State, to be managed by the
21 Secretary.

22 (b) BOUNDARIES.—The Recreation Area shall consist
23 of approximately 75,000 acres of Federal land in San Be-
24 nito County and Fresno County, California, as generally

1 depicted on the map entitled “Clear Creek National Recre-
2 ation Area” and dated July 30, 2012.

3 (c) MAP.—

4 (1) IN GENERAL.—As soon as practicable, after
5 the date of the enactment of this Act, the Secretary
6 shall submit a map and legal description of the
7 Recreation Area to—

8 (A) the Committee on Natural Resources
9 of the House of Representatives; and

10 (B) the Committee on Energy and Natural
11 Resources of the Senate.

12 (2) AVAILABILITY.—Copies of the map sub-
13 mitted under paragraph (1) shall be on file and
14 available for public inspection in—

15 (A) the Office of the Director of the Bu-
16 reau of Land Management; and

17 (B) the appropriate office of the Bureau of
18 Land Management in California.

19 **SEC. 4. MANAGEMENT.**

20 (a) IN GENERAL.—The Secretary shall manage the
21 Recreation Area to further the purposes described in sec-
22 tion 3(a), in accordance with—

23 (1) this Act;

24 (2) the Federal Land Policy and Management
25 Act of 1976 (43 U.S.C. 1701 et seq.); and

1 (3) any other applicable law.

2 (b) USES.—The Secretary shall—

3 (1) allow hiking, camping, hunting, gem col-
4 lecting, and sightseeing and the use of motorized ve-
5 hicles, mountain bikes, and horses on designated
6 roads, trails, and areas;

7 (2) issue special recreation permits for motor-
8 ized and non-motorized events; and

9 (3) reopen the Clear Creek Management Area
10 to the uses described in this subsection as soon as
11 practicable following the enactment of this Act and
12 in accordance with the management guidelines out-
13 lined in this Act and other applicable law.

14 (c) INTERIM MANAGEMENT PLAN.—The Secretary
15 shall use the 2005 Clear Creek Management Area Travel
16 Management Plan as modified by this Act, or by the Sec-
17 retary to incorporate natural resource protection informa-
18 tion not available in 2005, as the basis of an interim man-
19 agement plan to govern motorized recreation within the
20 Recreation Area pending the completion of the long-term
21 management plan required in subsection (d).

22 (d) PERMANENT MANAGEMENT PLAN.—Not later
23 than 2 years after the date of the enactment of this Act,
24 the Secretary shall create a comprehensive management
25 plan for the Clear Creek Recreation Area that—

1 (1) shall describe the appropriate uses and
2 management of the Recreation Area in accordance
3 with this Act;

4 (2) shall be prepared in consultation with—

5 (A) appropriate Federal, State, and local
6 agencies (including San Benito, Monterey, and
7 Fresno Counties);

8 (B) adjacent land owners; and

9 (C) other stakeholders (including conserva-
10 tion and recreational organizations);

11 (3) shall include a hazards education program
12 to inform people entering the Recreation Area of the
13 asbestos related risks associated with various activi-
14 ties within the Recreation Area, including, but not
15 limited to, off-highway vehicle recreation;

16 (4) shall include a user fee program for motor-
17 ized vehicle use within the Recreational Area and
18 guidelines for the use of the funds collected for the
19 management and improvement of the Recreation
20 Area;

21 (5) may incorporate any appropriate decisions,
22 as determined by the Secretary, in accordance with
23 this Act, that are contained in any management or
24 activity plan for the area completed before the date
25 of the enactment of this Act;

1 (6) may incorporate appropriate wildlife habitat
2 management plans or other plans prepared for the
3 land within or adjacent to the Recreation Area be-
4 fore the date of the enactment of this Act, in accord-
5 ance with this Act;

6 (7) may use information developed under any
7 studies of land within or adjacent to the Recreation
8 Area carried out before the date of enactment of this
9 Act; and

10 (8) may include cooperative agreements with
11 State or local government agencies to manage all or
12 a portion of the recreational activities within the
13 Recreation Area in accordance with an approved
14 management plan and the requirements of this Act.

15 (e) ACQUISITION OF PROPERTY.—

16 (1) IN GENERAL.—The Secretary may acquire
17 land adjacent to the National Recreation Area by
18 purchase from willing sellers, donation, or exchange.

19 (2) MANAGEMENT.—Any land acquired under
20 paragraph (1) shall be managed in accordance
21 with—

22 (A) the Federal Land Policy and Manage-
23 ment Act of 1976 (43 U.S.C. 1701 et seq.);

24 (B) this Act; and

1 (C) any other applicable law (including
2 regulations).

3 (3) IMPROVED ACCESS.—The Secretary may ac-
4 quire by purchase from willing sellers, donation, ex-
5 change, or easement, land, or interest in land to im-
6 prove public safety in providing access to the Recre-
7 ation Area.

8 (f) PRIVATE PROPERTY.—

9 (1) ACCESS TO PRIVATE PROPERTY.—

10 (A) IN GENERAL.—The Secretary shall
11 provide landowners adequate access to in-
12 holdings within the Recreation Area.

13 (B) INHOLDINGS.—For access purposes,
14 private land adjacent to the Recreation Area to
15 which there is no other practicable access ex-
16 cept through the Recreation Area shall be man-
17 aged as an inholding.

18 (2) USE OF PRIVATE PROPERTY.—Nothing in
19 this Act affects the ownership, management, or
20 other rights relating to any non-Federal land (in-
21 cluding any interest in any non-Federal land).

22 (3) BUFFER ZONES.—Nothing in this Act cre-
23 ates a protective perimeter or buffer zone around the
24 Recreation Area.

1 (4) VALID RIGHTS.—Nothing in this Act affects
2 any easements, rights-of-way, and other valid rights
3 in existence on the date of the enactment of this
4 Act.

5 (g) WATER RIGHT EXCLUSION.—Nothing in this
6 Act—

7 (1) shall constitute or be construed to con-
8 stitute either an express or implied reservation by
9 the United States of any water or water rights with
10 respect to the Recreation Area; or

11 (2) shall affect any water rights existing on the
12 date of the enactment of this Act.

13 (h) HUNTING AND FISHING.—Nothing in this Act—

14 (1) limits hunting or fishing; or

15 (2) affects the authority, jurisdiction, or respon-
16 sibility of the State to manage, control, or regulate
17 fish and resident wildlife under State law (including
18 regulations), including the regulation of hunting or
19 fishing on public land managed by the Bureau of
20 Land Management.

21 (i) MOTORIZED VEHICLES.—Except in cases in which
22 motorized vehicles are needed for administrative purposes
23 or to respond to an emergency, the use of motorized vehi-
24 cles on public land in the Recreation Area shall be per-

mitted only on roads, trails, and areas designated by the management plan for the use by motorized vehicles.

(j) GRAZING.—In the Recreation Area, the grazing of livestock in areas in which grazing is allowed as of the date of the enactment of this Act shall be allowed to continue, consistent with—

(1) this Act;

(2) the Federal Land Policy and Management Act of 1976 (43 U.S.C. 1701 et seq.); and

(3) any regulations promulgated by the Secretary, acting through the Director of the Bureau of Land Management.

(k) WITHDRAWAL.—Subject to valid existing rights, all Federal land within the Recreation Area is withdrawn from—

(1) all forms of entry, appropriation, and disposal under the public land laws;

(2) location, entry, and patenting under the mining laws; and

(3) operation of the mineral leasing, mineral materials, and geothermal leasing laws.

(l) FEES.—Amounts received by the Secretary under the fee structure required by subsection (c)(3)(G) shall be—

1 (1) deposited in a special account in the Treas-
2 ury of the United States; and

3 (2) made available until expended, without fur-
4 ther appropriation, to the Secretary for use in the
5 Recreation Area.

6 (m) RISK STANDARD.—The National Oil and Haz-
7 ardous Substances Pollution Contingency Plan (40 C.F.R.
8 300), published pursuant to section 105 of the Com-
9 prehensive Environmental Response, Compensation, and
10 Liability Act of 1980 (42 U.S.C. 9605), shall not apply
11 to the Secretary’s management of asbestos exposure risks
12 faced by the public when recreating within the Clear Creek
13 Recreation Area described in section 3(b).

14 **SEC. 5. JOAQUIN ROCKS WILDERNESS.**

15 In accordance with the Wilderness Act (16 U.S.C.
16 1131 et seq.), the approximately 21,000 acres of Federal
17 lands located in Fresno County and San Benito County,
18 California, and generally depicted on a map entitled “Pro-
19 posed Joaquin Rocks Wilderness” and dated April 16,
20 2013, is designated as wilderness and as a component of
21 the National Wilderness Preservation System and shall be
22 known as the “Joaquin Rocks Wilderness”.

1 **SEC. 6. CLEAR CREEK MANAGEMENT AREA WILD AND SCE-**
2 **NIC RIVERS.**

3 Section 3(a) of the Wild and Scenic Rivers Act (16
4 U.S.C. 1274(a)) is amended by adding at the end the fol-
5 lowing paragraphs:

6 “(____) LARIOUS CANYON.—The approximately
7 5.25 miles of Larious Canyon Creek from its source
8 near Idria Peak in Section 6, R12E, T18S, to the
9 boundary of the Clear Creek Special Recreation
10 Management Area in Section 23, R11E, T17S.

11 “(____) SAN CARLOS CREEK.—The approxi-
12 mately 5.51 miles of the East Fork San Carlos
13 Creek from its source near San Benito Mountain in
14 Section 10, R12E, T18S, to the boundary of the
15 Clear Creek Special Recreation Management Area in
16 Section 22, R12E, T17S.

17 “(____) CANTUA CREEK.—The approximately
18 7.68 miles of Cantua Creek from its source north of
19 Santa Rita Peak in Section 24, R12E, T18S, to the
20 public land boundary in Section 3, R13E, T18S.

21 “(____) PICACHO CREEK.—The approximately
22 2.65 miles of Picacho Creek, from its source spring
23 in Section 20, R12E, T18S, to its confluence with
24 the San Benito River.

25 “(____) WHITE CREEK AND TRIBUTARIES.—

1 “(A) The approximately 5.37 miles of
2 White Creek, from its source in Section 36,
3 R12E, T18S, to the boundary of the Clear
4 Creek Special Recreation Management Area in
5 Section 17, R13E, T19S.

6 “(B) The approximately 2.29 miles of the
7 unnamed tributary of White Creek from its
8 source just south of Spanish Lake in Section
9 29, R13E, T18S, to its confluence with White
10 Creek.

11 “(C) The approximately 2.45 miles of the
12 unnamed tributary of White Creek from its
13 source in Section 33, R13E, T18S, to its con-
14 fluence with White Creek.”.

○

113TH CONGRESS
2D SESSION

H. R. 4886

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

JUNE 18, 2014

Mrs. LUMMIS (for herself and Mr. WALZ) introduced the following bill; which was referred to the Committee on Agriculture, and in addition to the Committee on Natural Resources, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

To direct the Secretary of Agriculture to publish in the Federal Register a strategy to significantly increase the role of volunteers and partners in National Forest System trail maintenance, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “National Forest Sys-
5 tem Trails Stewardship Act of 2014”.

6 **SEC. 2. FINDINGS.**

7 Congress finds as follows:

1 (1) The National Forest System features a
2 world-class trail system with over 158,000 miles of
3 trails that provide world-class opportunities for hik-
4 ing, horseback riding, hunting, mountain bicycling,
5 motorized vehicles, and other outdoor activities.

6 (2) According to the Government Accountability
7 Office, the Forest Service is only able to maintain
8 about one-quarter of National Forest System trails
9 to the agency standard, and the agency faces a trail
10 maintenance backlog of \$314,000,000, and an addi-
11 tional backlog of \$210,000,000 in annual mainte-
12 nance, capital improvements, and operations.

13 (3) The lack of maintenance on National Forest
14 System trails threatens access to public lands, and
15 may cause increased environmental damage, threat-
16 en public safety, and increase future maintenance
17 costs.

18 (4) Federal budget limitations require solutions
19 to National Forest System trail maintenance issues
20 that make more efficient use of existing resources.

21 (5) Volunteers, partners, and outfitters and
22 guides play an important role in maintaining Na-
23 tional Forest System trails, and a comprehensive
24 strategy is needed to ensure that volunteers and
25 partners are used as effectively as possible.

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (1) ADMINISTRATIVE UNIT.—The term “Ad-
4 ministrative Unit” means a national forest or na-
5 tional grassland.

6 (2) OUTFITTER OR GUIDE.—The term “out-
7 fitter or guide” means an individual, organization,
8 or business who provides outfitting or guiding serv-
9 ices, as defined in section 251.51 of title 36, Code
10 of Federal Regulations.

11 (3) PARTNER.—The term “partner” means a
12 non-Federal entity that engages in a partnership.

13 (4) PARTNERSHIP.—The term “partnership”
14 means arrangements between the Department of Ag-
15 riculture or the Forest Service and a non-Federal
16 entity that are voluntary, mutually beneficial, and
17 entered into for the purpose of mutually agreed
18 upon objectives.

19 (5) PRIORITY AREA.—The term “priority area”
20 means a well-defined region on National Forest Sys-
21 tem land selected by the Secretary under section
22 5(a).

23 (6) SECRETARY.—The term “Secretary” means
24 the Secretary of Agriculture.

1 (7) STRATEGY.—The term “strategy” means
 2 the National Forest System Trails Volunteer and
 3 Partnership Strategy authorized by section 4(a).

4 (8) TRAIL MAINTENANCE.—The term “trail
 5 maintenance” means any activity to maintain the
 6 usability and sustainability of trails within the Na-
 7 tional Forest System, including—

8 (A) ensuring trails are passable by the
 9 users for which they are managed;

10 (B) preventing environmental damage re-
 11 sulting from trail deterioration;

12 (C) protecting public safety; and

13 (D) averting future deferred maintenance
 14 costs.

15 (9) VOLUNTEER.—The term “Volunteer” has
 16 the same meaning given that term in section
 17 553.101 of title 29, Code of Federal Regulations.

18 **SEC. 4. NATIONAL FOREST SYSTEM TRAILS VOLUNTEER**
 19 **AND PARTNERSHIP STRATEGY.**

20 (a) IN GENERAL.—Not later than 2 years after the
 21 date of the enactment of this Act, the Secretary shall pub-
 22 lish in the Federal Register a strategy to significantly in-
 23 crease the role of volunteers and partners in trail mainte-
 24 nance.

1 (b) REQUIRED ELEMENTS.—The strategy required
2 by subsection (a) shall—

3 (1) augment and support the capabilities of
4 Federal employees to carry out or contribute to trail
5 maintenance;

6 (2) provide meaningful opportunities for volun-
7 teers and partners to carry out trail maintenance in
8 each region of the Forest Service;

9 (3) address the barriers to increased vol-
10 unteerism and partnerships in trail maintenance
11 identified by volunteers, partners, and others;

12 (4) prioritize increased volunteerism and part-
13 nerships in trail maintenance in those regions with
14 the most severe trail maintenance needs, and where
15 trail maintenance backlogs are jeopardizing access to
16 National Forest lands; and

17 (5) aim to increase trail maintenance by volun-
18 teers and partners by 100 percent by the date that
19 is 5 years after the date of the enactment of this
20 Act.

21 (c) ADDITIONAL REQUIREMENT.—As a component of
22 the strategy, the Secretary shall study opportunities to im-
23 prove trail maintenance by addressing opportunities to use
24 fire crews in trail maintenance activities in a manner that
25 does not jeopardize firefighting capabilities, public safety,

1 or resource protection. Upon a determination that trail
2 maintenance would be advanced by use of fire crews in
3 trail maintenance, the Secretary shall incorporate these
4 proposals into the strategy, subject to such terms and con-
5 ditions as the Secretary determines to be necessary.

6 (d) VOLUNTEER LIABILITY.—

7 (1) IN GENERAL.—Section 3(d) of Public Law
8 92–300 (16 U.S.C. 558a (note), 558a-558d; 86
9 Stat. 147) is amended by adding “, including a vol-
10 unteer affiliated with a partner organization,” after
11 “title”.

12 (2) ADDITIONAL REQUIREMENT.—Not later
13 than 2 years after the date of the enactment of this
14 Act, the Secretary shall adopt regulations imple-
15 menting this section. These regulations shall ensure
16 that the financial risk from claims or liability associ-
17 ated with volunteers undertaking trail maintenance
18 is shared by all administrative units.

19 (e) CONSULTATION.—The Secretary shall develop the
20 strategy in consultation with volunteer and partner trail
21 maintenance organizations, a broad array of outdoor
22 recreation stakeholders, and other relevant stakeholders.

23 (f) VOLUNTEER AND PARTNERSHIP COORDINA-
24 TION.—The Secretary shall require each administrative
25 unit to develop a volunteer and partner coordination im-

1 plementation plan for the strategy which clearly defines
2 roles and responsibilities for the administrative unit and
3 district staff, and includes strategies to ensure sufficient
4 coordination, assistance, and support for volunteers and
5 partners to improve trail maintenance.

6 (g) REPORT.—

7 (1) CONTENTS.—The Secretary shall prepare a
8 report on—

9 (A) the effectiveness of the strategy in ad-
10 dressing the trail maintenance backlog;

11 (B) the increase in volunteerism and part-
12 nership efforts on trail maintenance as a result
13 of the strategy;

14 (C) the miles of National Forest System
15 trails maintained by volunteers and partners,
16 and the approximate value of the volunteer and
17 partnership efforts;

18 (D) the status of the stewardship credits
19 for outfitters and guides pilot program de-
20 scribed in section 7 that includes the number of
21 participating sites, total amount of the credits
22 offered, estimated value of trail maintenance
23 performed, and suggestions for revising the pro-
24 gram; and

1 (E) recommendations for further increas-
2 ing volunteerism and partnerships in trail main-
3 tenance.

4 (2) SUBMISSION.—Not later than 3 years after
5 the date of enactment of this Act, the Secretary
6 shall submit the report required by paragraph (1)
7 to—

8 (A) the Committee on Energy and Natural
9 Resources of the Senate; and

10 (B) the Committee on Natural Resources
11 of the House of Representatives.

12 **SEC. 5. PRIORITY TRAIL MAINTENANCE PROGRAM.**

13 (a) SELECTION.—In accordance with subsections (b)
14 and (c), not later than 6 months after the date of the en-
15 actment of this Act, the Secretary of Agriculture shall se-
16 lect no fewer than 9 and no more than 15 priority areas
17 for increased trail maintenance accomplishments.

18 (b) CRITERIA.—Priority areas shall include a well-de-
19 fined region on National Forest System land where the
20 lack of trail maintenance has—

21 (1) reduced access to public land;

22 (2) led to an increase, or risk of increase, in
23 harm to natural resources;

24 (3) jeopardized public safety;

1 (4) resulted in trails being impassible by the in-
2 tended managed users; or

3 (5) increased future deferred trail maintenance
4 costs.

5 (c) REQUIREMENTS.—In selecting priority areas, the
6 Secretary shall—

7 (1) consider any public input on priority areas
8 received within 3 months of the date of enactment
9 of this Act; and

10 (2) select at least one priority area in each re-
11 gion of the United States Forest Service.

12 (d) INCREASED TRAIL MAINTENANCE.—

13 (1) IN GENERAL.—Within 6 months of the se-
14 lection of priority areas under subsection (a), and in
15 accordance with paragraph (2), the Secretary shall
16 develop an approach to substantially increase trail
17 maintenance accomplishments within each priority
18 area.

19 (2) CONTENTS.—In developing the approach
20 under paragraph (1), the Secretary shall—

21 (A) consider any public input on trail
22 maintenance priorities and needs within any
23 priority area;

1 (B) consider the costs and benefits of in-
2 creased trail maintenance within each priority
3 area; and

4 (C) incorporate partners and volunteers in
5 the trail maintenance.

6 (3) REQUIRED TRAIL MAINTENANCE.—Utilizing
7 the approach developed under paragraph (1), the
8 Secretary shall substantially increase trail mainte-
9 nance within each priority area.

10 (e) COORDINATION.—The regional volunteer and
11 partnership coordinators may be responsible for assisting
12 partner organizations in developing and implementing vol-
13 unteer and partnership projects to increase trail mainte-
14 nance within priority areas.

15 (f) REVISION.—The Secretary shall periodically re-
16 view the priority areas to determine whether revisions are
17 necessary and may revise the priority areas, including the
18 selection of new priority areas or removal of existing pri-
19 ority areas, at his sole discretion.

20 **SEC. 6. COOPERATIVE AGREEMENTS.**

21 (a) IN GENERAL.—The Secretary may enter into a
22 cooperative agreement (within the meaning of chapter 63
23 of title 31, United States Code) with any State, tribal,
24 local governmental, and private entity to carry out this
25 Act.

1 (b) CONTENTS.—Cooperative agreements authorized
2 under this section may—

3 (1) improve trail maintenance in a priority
4 area;

5 (2) implement the strategy; or

6 (3) advance trail maintenance in a manner
7 deemed appropriate by the Secretary.

8 **SEC. 7. STEWARDSHIP CREDITS FOR OUTFITTERS AND**
9 **GUIDES.**

10 (a) PILOT PROGRAM.—Within 1 year after the date
11 of enactment of this Act, in accordance with this section,
12 the Secretary shall establish a pilot program on not less
13 than 20 administrative units to offset all or part of the
14 land use fee for an outfitting and guiding permit by the
15 cost of the work performed by the permit holder to con-
16 struct, improve, or maintain National Forest System
17 trails, trailheads, or developed sites that support public
18 use under terms established by the Secretary.

19 (b) ADDITIONAL REQUIREMENTS.—In establishing
20 the pilot program authorized by subsection (a), the Sec-
21 retary shall—

22 (1) select administrative units where the pilot
23 program will improve trail maintenance; and

24 (2) establish appropriate terms and conditions.

○